## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

| JOHN KEVIN KENNEDY, et al.,           | )                            |
|---------------------------------------|------------------------------|
| Plaintiffs,                           | )                            |
| vs.                                   | ) Case No. 4:12-cv-00726-JAR |
| BAC HOME LOANS SERVICING, LP, et al., | )<br>)<br>)                  |
| Defendants.                           | )                            |

## CONSENT MOTION OF DEFENDANT KOZENY & McCUBBIN, L.C. FOR AN EXTENSION OF TIME TO RESPOND TO PLAINTIFFS' SECOND AMENDED CLASS ACTION COMPLAINT

Defendant Kozeny & McCubbin, L.C. ("K & M") hereby moves, pursuant to Fed. R. Civ. P. 6(b), for an additional one week, up to and including August 10, 2012, in which to respond to Plaintiffs' Second Amended Class Action Complaint ("Complaint"). As grounds for this motion, Defendant K & M states as follows:

- 1. Defendant Bank of America, N.A., successor by merger to BAC Home Loan Servicing, L.P., removed this case to this Court from the Circuit Court of Jefferson County, Missouri ("State Court") on April 24, 2012. Defendant K & M, which was served in the State Court action, filed a Motion for More Definite Statement in the State Court action on January 9, 2012, in response to the First Amended Complaint filed in the State Court action. Defendant K & M's Motion for More Definite Statement remained pending when the State Court action was removed to this Court.
- 2. Defendant K & M's response to Plaintiff's Second Amended Class Action Complaint is due on Friday, August 3, 2012.

- 3. Counsel for Defendant K & M needs an additional week in order to complete Defendant K & M's response to Plaintiff's Second Amended Class Action Complaint.
- 4. Counsel for Defendant K & M has communicated with counsel for Plaintiffs, and he has consented to an extension of time for filing Defendant K & M's answer or other responsive pleading to an including August 10, 2012.

WHEREFORE, Defendant K & M moves for an extension of time to and including August 10, 2012, in which to file its answer or other responsive pleading to Plaintiff's Second Amended Class Action Complaint.

## /s/ Ira L. Blank

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Attorney for Defendant Kozeny & McCubbin, L.C.

## CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2012, the following parties were served by U.S. Mail, postage prepaid, unless served electronically through ECF:

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Attorneys for Defendant Bank of America, N.A.

| <u>/s/</u> | Ira | L. | Blank |  |
|------------|-----|----|-------|--|
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